

Applicant: Bhalakia et al.
Serial No.: 09/848,594
Group Art Unit: 1773

PATENT
Docket No.: 10-9393

REMARKS

This Amendment is submitted in response to the Official Action dated June 2, 2003. Reconsideration of the present application in view of the amendments and remarks submitted herein is hereby requested.

Claims 1-79 have at various times been pendent before the examiner in the present application. Currently, claims 1-49 have been cancelled and claims 59-79 have been withdrawn from consideration, leaving claims 50-58 as currently pending for examination. Of those remaining claims, claim 50 is independent and claims 51-58 are dependent therefrom. In this Amendment claims 50 and 53 have been amended. All remaining claims (51, 52 and 54-58) remain unchanged.

A. Objection to the Specification

Objection was made to the specification insofar as the "Graphic formula I" on page 14 of the specification is blank. In this Amendment, the Graphic Formula I that was inadvertently omitted from the specification is added back to the specification. As will be appreciated by the Examiner, this formula is found in each of the parent applications from which the present application claims priority. As such, no new matter is added by way of this amendment. Hence, it is requested that the objection be withdrawn.

B. Objection to Claim 53

Objection was made to claim 53 due to a typographical error in the spelling of "epoxy-type." In this Amendment, claim 53 has been amended so as to eliminate this error. Hence, it is requested that the objection be withdrawn.

Applicant: Bhalakia et al.
Serial No.: 09/848,594
Group Art Unit: 1773

PATENT
Docket No.: 10-9393

C. Claim Rejections Under 35 U.S.C. Section 102(b)

The Examiner has rejected claims 50-58 under 35 U.S.C. Section 102(b) based on either U.S. Patent No. 5,051,309 (Kawaki et al.) or U.S. Patent No. 4,268,134 (Gulati et al.). For the reasons set forth below, the rejections are hereby traversed.

In the present Amendment, independent claim 50 has been changed so as to better clarify the present invention. For example, claim 50 now emphasizes that the laminate in accordance with the present invention is a laminate for an "injection molded eye lens," and that it includes a "polymeric functional layer." Claim 50 also now emphasizes that the laminate in accordance with the present invention has "a center thickness in the range of about .2mm to about 2mm" and has "a generally round shape and is dimensioned so as to substantially conform to a back surface of said injection molded eye lens." The Kawaki et al. reference and the Gulati et al. reference fail to disclose at least these recitations of claim 50.

For example, the Kawaki et al. reference discloses a laminate for use only as "goggles, sunglasses, windshields of autocycles, windshields of helmets, shields, blinds, automobile windows and sunvisors for anti-dazzling" (See Column 3, line 68 through Column 4, line 3). It does not disclose a laminate for use in making an injection molded eye lens, a product that demands far greater precision and quality than does the items for which the Kawaki et al. laminate was designed. Nor is there any suggestion in Kawaki et al. for making an injection molded eye lens.

Further, the Kawaki et al. reference does not disclose any dimensions of the center thickness of the laminate as found on the injection molded lens as presently claimed. All that is disclosed are various dimensions of the polycarbonate sheets at the time of making the laminate itself. And as stated in the specification of the present application, the laminate having the claimed

Applicant: Bhalakia et al.
Serial No.: 09/848,594
Group Art Unit: 1773

PATENT
Docket No.: 10-9393

center thickness on the injection molded eye lens has been found to provide more optimal properties to the eye lens.

Further, the Kawaki et al. reference fails to disclose a laminate having a generally round shape and being dimensioned so as to substantially conform to a back surface of said injection molded eye lens as presently claimed. As discussed above, the laminate in Kawaki et al. is directed to something entirely distinct from a laminate for an injection molded eye lens. As such, there is no need (nor motivation) to make the Kawaki et al. laminate round and dimensioned to conform to a back surface of an injection molded eye lens as claimed.

The Gulati et al. reference is similarly deficient. For example, Gulati et al. (as with Kawaki et al.) fails to disclose any dimensions of a center thickness of the laminate on the injection molded eye lens. As such, it is likely questionable that Gulati et al. provides the more optimal properties of the laminate in accordance with the present invention.

More fundamental, however, is that Gulati et al. is directed to a laminate structure that involves a glass layer. It is not directed to a laminate structure that includes a polymeric functional layer as presently claimed. This is a highly important distinction as it is a primary goal of the present invention to ensure the production of an injection molded eye lens that is free of undesirable manufacturing issues that otherwise accompany the joining of dissimilar materials.

Finally, neither the Gulati et al. nor the Kawaki et al. references give any criticality to the type of adhesives used in formulating a laminate. This contrasts with the presently claimed invention insofar as it is desirable to use an adhesive that ensures the production of an injection molded eye lens that does not result in crazing.

Applicant: Bhalakia et al.
Serial No.: 09/848,594
Group Art Unit: 1773

PATENT
Docket No.: 10-9393

As a final comment, the Applicants disagree with the Examiner's contention that claims 55 and 56 do not recite structural limitations for the laminate. As is known in the art, there are significant differences between an injection molded lens with a prescription power and one without. These lenses have different manufacturing constraints that are effected by the laminate used therein.

Applicant: Bhalakia et al.
Serial No.: 09/848,594
Group Art Unit: 1773

PATENT
Docket No.: 10-9393

CONCLUSION

In view of the foregoing, it is submitted that all of the examined claims 50-58 are now in condition for allowance and such allowance is respectfully requested. If any questions or issues arise that are more easily addressed by the Examiner through direct communication with the undersigned, the Examiner is cordially to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.